

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ZELAJA ALCONNA BATTLES,

Plaintiff,

Case No. 2:19-cv-01727-AC

ORDER

v.

DEPARTMENT OF CORRECTIONS;
BRAD CAIN, Superintendent of
Snake River Correctional Institution;
JULINA CLAUS, Mail Room Supervisor;
K. WATTS, Education Coordinator for
TVCC; M. PACHERO, Education
Coordinator for TVCC; J. WOODLAND,
Captain; and J. TAYLOR, Grievance
Coordinator,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation [52] on July 7, 2020, in which he recommends the Court grant Defendants Watts and Pachero's Motion to Dismiss [38].

Plaintiff timely filed objections to the Findings and Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


The Court has carefully considered Plaintiff's objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record de novo and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court adopts Magistrate Judge Acosta's Findings and Recommendation [52]. Accordingly, Defendants Watts and Pachero's Motion to Dismiss [38] is granted without prejudice. Plaintiff may file a Second Amended Complaint within 21 days from the date of this Order.

IT IS SO ORDERED.

DATED: September 4, 2020.



MARCO A. HERNÁNDEZ
United States District Judge